

REMARKS

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Claims 7-9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are correspondingly rejected under 35 USC 101 for failing to properly present the steps of the claimed method.

Claims 4-9 are objected to under 37 C.F.R. § 1.75(c) as being in improper form because a multiple dependent claim cannot depend from a multiple dependent claim.

Claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Griffith in view of Politi.

Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The original claims have been cancelled and replaced by new claims 10-18. Claim 10 is directed to the same invention as cancelled claim 1 and it is believed to avoid the cited prior art as will be presently explained. The dependent claims avoid the rejection under 35 U.S.C. § 101 and are also presented in proper form so that further rejection on these grounds is not anticipated.

Regarding the prior art rejection, the Examiner states that Politi shows a piston operated unit similar to the unit of Griffith, including a metallic bellows, the bellows being functionally equivalent to the piston 70 of Griffith.

Applicant does not agree with the Examiner statement. The bellows of Politi is not functionally equivalent to the piston 70 of Griffith. Actually, the bellows 84 of Politi is completely closed. The internal space of the bellows does not communicate with the chamber of another valve. The bellows 84 acts as an expansion spring biasing valve 72 in its open position

(see column 7, lines 25 to 48 and column 4, lines 32 to 36). As a consequence, the compression state of bellows 84 depends only on the pressure in expansion chamber CD. It does not depend on the pressure inside the chamber of another valve.

In claim 10 (corresponding to cancelled claim 1), the closed chamber defined inside the bellows of one of the valves communicates with the chamber of the other valve. The compression state of the bellows depends on the pressure difference between the chambers of the two valves.

In Griffith, the position of the piston 70 depends on the pressure difference between the cold and hot water inlets 14 and 16. The metallic bellows of Politi is thus not functionally equivalent to the piston 70 of Griffith. It would not have been obvious to replace the piston 70 of Griffith with the metallic bellows of Politi. Such replacement would be an *a posteriori* combination justified by the knowledge that the man skilled in the art has of the present invention.

In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185, under Order No. 20513-00611-US1 from which the undersigned is authorized to draw.

Dated: August 24, 2007

Respectfully submitted,
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